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PTO/SB/05 (03-01)

Approved for use through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

|                        |   |
|------------------------|---|
| Attorney Docket No.    | 631 07 PA   |
| First Inventor         | Michael T. Yatcilla                                 |
| Title                  | FOOD PRODUCTS AND DIETARY SUPPLEMENTS CONTAINING... |
| Express Mail Label No. | EL 792320311 US                                     |

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 33]
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets   ]
5. Oath or Declaration [ Total Pages   ]
  - a.  Newly executed (original or copy) (3 pgs)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*

i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of (when there is an assignee)  Attorney
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Check No. 7268 (\$740.00)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation    Divisional    Continuation-in-part (CIP)

of prior application No. \_\_\_\_\_ / \_\_\_\_\_

Prior application information:

Examiner \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

|  |  |           |              |   |
|--|--|-----------|--------------|---|
| <input type="checkbox"/> Customer Number or Bar Code Label | Enter Customer No. or Attach Bar Code Label Here |           | or           | <input type="checkbox"/> Correspondence address below |
| Name   | Gabor L. Szekeres, KLEIN & SZEKERES              |           |              |   |
| Address  | 4199 Campus Drive                                |           |              |   |
|  | Suite 700  |           |              |   |
| City   | Irvine   | State     | California   | Zip Code  |
| Country  | U.S.A.   | Telephone | 714-354-5502 | Fax 714-854-4397                                      |

|                   |                   |                                   |                    |
|-------------------|-------------------|-----------------------------------|--------------------|
| Name (Print/Type) | Gabor L. Szekeres | Registration No. (Attorney/Agent) | 28,675             |
| Signature         | Gabor L. Szekeres |                                   | Date July 12, 2001 |

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09/06/01

07/12/01

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# FEE TRANSMITTAL

## for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 740)

## Complete if Known

|                      |                     |
|----------------------|---------------------|
| Application Number   |                     |
| Filing Date          |                     |
| First Named Inventor | Michael T. Yatcilla |
| Examiner Name        |                     |
| Group Art Unit       |                     |
| Attorney Docket No.  | 631 07 PA           |

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 11-1159

Deposit Account Name Klein &amp; Szekeres, LLP

 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

 Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) | Fee Description        | Fee Paid |
|---------------|----------|---------------|----------|------------------------|----------|
| 101           | 710      | 201           | 355      | Utility filing fee     | 355      |
| 106           | 320      | 206           | 160      | Design filing fee      |          |
| 107           | 490      | 207           | 245      | Plant filing fee       |          |
| 108           | 710      | 208           | 355      | Reissue filing fee     |          |
| 114           | 150      | 214           | 75       | Provisional filing fee |          |

SUBTOTAL (1) (\$ 355)

## 2. EXTRA CLAIM FEES

| Total Claims         | Extra Claims | Fee from below | Fee Paid |
|----------------------|--------------|----------------|----------|
| 45                   | -20** = 25   | x 9            | = 225    |
| Independent Claims 6 | - 3** = 3    | x 40           | = 120    |
| Multiple Dependent   |              |                |          |

Large Entity Small Entity

| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee Description  |
|---------------|----------|---------------|--|
| 103           | 18       | 203           | 9 Claims in excess of 20                                     |
| 102           | 80       | 202           | 40 Independent claims in excess of 3                         |
| 104           | 270      | 204           | 135 Multiple dependent claim, if not paid                    |
| 109           | 80       | 209           | 40 ** Reissue Independent claims over original patent        |
| 110           | 18       | 210           | 9 ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 345)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee (\$) | Fee Description   | Fee Paid |
|----------------------------|----------------------------|----------|---|----------|
| 105                        | 130                        | 205      | 65 Surcharge - late filing fee or oath  |          |
| 127                        | 50                         | 227      | 25 Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                        | 130                        | 139      | 130 Non-English specification   |          |
| 147                        | 2,520                      | 147      | 2,520 For filing a request for ex parte reexamination                         |          |
| 112                        | 920*                       | 112      | 920* Requesting publication of SIR prior to Examiner action                   |          |
| 113                        | 1,840*                     | 113      | 1,840* Requesting publication of SIR after Examiner action                    |          |
| 115                        | 110                        | 215      | 55 Extension for reply within first month                                     |          |
| 116                        | 390                        | 216      | 195 Extension for reply within second month                                   |          |
| 117                        | 890                        | 217      | 445 Extension for reply within third month                                    |          |
| 118                        | 1,390                      | 218      | 695 Extension for reply within fourth month                                   |          |
| 128                        | 1,890                      | 228      | 945 Extension for reply within fifth month                                    |          |
| 119                        | 310                        | 219      | 155 Notice of Appeal  |          |
| 120                        | 310                        | 220      | 155 Filing a brief in support of an appeal                                    |          |
| 121                        | 270                        | 221      | 135 Request for oral hearing  |          |
| 138                        | 1,510                      | 138      | 1,510 Petition to Institute a public use proceeding                           |          |
| 140                        | 110                        | 240      | 55 Petition to revive - unavoidable   |          |
| 141                        | 1,240                      | 241      | 620 Petition to revive - unintentional  |          |
| 142                        | 1,240                      | 242      | 620 Utility issue fee (or reissue)  |          |
| 143                        | 440                        | 243      | 220 Design issue fee  |          |
| 144                        | 600                        | 244      | 300 Plant issue fee   |          |
| 122                        | 130                        | 122      | 130 Petitions to the Commissioner   |          |
| 123                        | 50                         | 123      | 50 Processing fee under 37 CFR 1.17(q)  |          |
| 126                        | 180                        | 126      | 180 Submission of Information Disclosure Stmt                                 |          |
| 581                        | 40                         | 581      | 40 Recording each patent assignment per property (times number of properties) | 40.00    |
| 146                        | 710                        | 246      | 355 Filing a submission after final rejection (37 CFR § 1.129(a))             |          |
| 149                        | 710                        | 249      | 355 For each additional invention to be examined (37 CFR § 1.129(b))          |          |
| 178                        | 710                        | 279      | 355 Request for Continued Examination (RCE)                                   |          |
| 169                        | 900                        | 169      | 900 Request for expedited examination of a design application                 |          |
| Other fee (specify) _____  |                            |          |   |          |

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 40.00)

## SUBMITTED BY

|                   |                   |                                   |        |           |                    |
|-------------------|-------------------|-----------------------------------|--------|-----------|--------------------|
| Name (Print/Type) | Gabor L. Szekeres | Registration No. (Attorney/Agent) | 28,675 | Telephone | 714-854-5502       |
| Signature         | Gabor L. Szekeres |                                   |        |           | Date July 12, 2001 |

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